

Full Bench.]

[April 27.]

MOLLISON v. HOFFMAN.

*County Court Judge has no power to strike out counts of declaration for insufficient particulars.*

*Held*, on appeal from the St. John County Court that the Judge thereof had no power to strike out counts in a declaration, on the ground of insufficient particulars.

*A. H. Hannington*, for appellant.

*Scott Morrell*, contra.

Full Bench.]

[April 27.]

HARRINGTON v. C. E. MCBETH.

*Slander—Notice of justification sufficient to justify part of words spoken.*

In an action of slander plaintiff charged defendant with having published that plaintiff went there and tore her (Bertie McBeth's) clothes, set her nose bleeding, and tried to rape her. Defendant in addition to pleading the general issue, justified by notice of defence "that before the alleged words were spoken the plaintiff did go to the house where Bertie McBeth was, and did there assault her and tear her clothes." Plaintiff applied to a Judge at Chambers to strike out the notice of defence, on the ground that it did not justify all the words spoken, which application the Judge refused.

*Held*, on a motion to rescind the Judge's order, that the notice was sufficient, as it was competent for defendant to justify part of the words spoken.

*A. W. MacRae*, for plaintiff.

*Mont. McDonald*, for defendant.

Full Bench.]

[April 27.]

HARRINGTON v. ANN MCBETH.

*Slander—Justifying the words spoken—Notice of defence sufficient.*

In an action of slander plaintiff charged defendant with having published of the plaintiff: "That big stallion throwed Bertie McBeth on the floor, and God knows what he would have done to her if it had not been for Mary" (meaning Mary McBeth); inuendo, the defendant meaning thereby that the plaintiff had been guilty of unlawfully and indecently assaulting said Bertie McBeth, and had feloniously attempted to commit the crime of rape upon her, and would have committed such crime if it had not been for Mary. The notice of defence in this case was that the plaintiff before the alleged words were spoken did throw the said Bertie McBeth on the floor and did assault her in the presence of Mary McBeth, and Mary interferred to prevent the assault.

*Held*, on a motion to rescind the order of a Judge at Chambers refusing to strike out the notice as not being a plea in bar and not answering the whole matter to which it was pleaded, that the notice was good.

*A. W. MacRae*, for plaintiff.

*Mont. McDonald*, for defendant.